

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

JANE E. WAGNER, and)
ROBERT A. WAGNER,)
Plaintiffs,)
vs.) NO. 1:11-cv-00433-TWP-MJD
MIZUHO ORTHEPEDIC)
SYSTEMS, INC.)
Defendants.)

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

The Court has reviewed and considered the Magistrate Judge's Report and Recommendation [Docket No. 79] recommending that the Court remand this matter to back to the Marion Superior Court for lack of subject matter jurisdiction. The parties were afforded due opportunity to file objections. No objections to the Report and Recommendation have been filed, and the time for filing such objections has expired.

The Court, having given de novo consideration to the issue presented pursuant to Title 28 U.S.C. § 636(b)(1)(B) and (C), and being duly advised in the premises, finds that the Magistrate Judge's Report and Recommendation is well reasoned and supported by the facts, as well as the law. Accordingly, the Court adopts the Magistrate Judge's Report and Recommendation in full and incorporates it by reference herein.

Accordingly, the Court hereby **REMANDS** this matter back to the Marion Superior Court.

IT IS SO ORDERED.

Date: 07/05/2012

Tanya Walton Pratt
Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana

Copies to: All counsel of record via CM/ECF.